

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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U.S. DIAGNOSTICS, INC.,

Plaintiff,

Case No. 08 CV 003  
(Judge Baer)

against-

**CLERK'S CERTIFICATE**

HOME AIDE DIAGNOSTICS, INC.,

Defendant.

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I, J. MICHAEL McMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that his action commenced on January 3, 2008 with the filing of a summons and complaint, a copy of the summons and amended complaint was served on February 1, 2008 by serving defendants' counsel, pursuant to agreement of the parties, which agreement was formalized in a stipulation, dated March 7, 2008, in which defendant acknowledged that service on its counsel was made and is valid and waived any objection to service. The stipulation also extended the time to answer to March 27, 2008. Proof of service (along with the stipulation) was filed on March 13, 2008.

I further certify that the docket entries indicated that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendant is hereby noted.

Dated: New York, New York  
May \_\_\_, 2008

**J. MICHAEL McMAHON**  
Clerk of the Court

By: \_\_\_\_\_  
Deputy Clerk